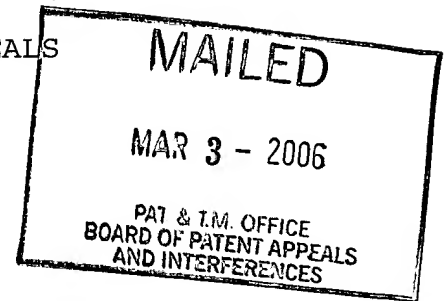


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TETSURO MOTOYAMA
and AVERY FONG

Application No. 09/453,937



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statement (IDS) was filed on December 20, 2005. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. MPEP § 609 states, in part:

" The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form."

Also, with regard to the earlier submitted IDS's which were submitted on April 9, 2001, September 15, 2003, and December 29, 2003, they too need be listed on a 1449 or equivalent form, wherein the Examiner needs to initial or cross out each reference and then sign and date the form. Merely stating that these IDS's have been considered in the communication of December 27, 2005 is insufficient.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the IDS's, filed on April 9, 2001, September 15, 2003, December 29, 2003 and December 20, 2005, written notification to the applicant of such consideration and for further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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